

MOW 3082-1.2 (10/2014)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI
Kansas City**

In re:

NAPOLEON FLOYD HOLLISTER

BERNADINE NMN HOLLISTER

Debtors,

**BAYVIEW LOAN SERVICING, LLC, A DELAWARE
LIMITED LIABILITY COMPANY**

Creditor.

Case No. 15-40651-drd13

Chapter 13

**AMENDED MOTION TO APPROVE PERMANENT HOME MORTGAGE
MODIFICATION AND SHORTEN NOTICE**

COME NOW Bayview Loan Servicing, LLC, a Delaware Limited Liability Company (“Bayview”) by and through counsel Carrie D. Mermis, Steven M. Leigh, and the law firm of Martin, Leigh, Laws & Fritzlen, P.C. and for its Motion states as follows:

1. Debtors filed their Chapter 13 petition on March 11, 2015.
2. Debtors have a mortgage with Bayview.
3. Debtors and Bayview have entered into a mortgage modification regarding residential real estate located at 6508 East 155th, Grandview, MO 64030.
4. Per the terms of the permanent mortgage modification, the modification began with the May 1, 2015, payment. The modification was conditioned on a three (3) month trial period from May 1, 2015, to July 1, 2015, which has been successfully completed. The mortgage payment as of May 1, 2015, is \$322.52 (\$226.39 principal and interest, \$96.13 escrow). The escrow amount may adjust annually. The interest rate is 2.000%

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from April 1, 2015, to March 31, 2018. The interest rate then increases to 3.000% for 1 year, and then to 4.000% for the remaining term of the loan.

5. The unpaid balance on the loan is \$93,294.66. Bayview agrees to defer and waive interest upon \$21,130.74 (“Deferred Balance”) until the loan matures on March 1, 2053, at which time the Deferred Balance shall be immediately due and payable as a balloon payment, as well as any outstanding amounts due under the terms of the mortgage.

6. The loan maturity date is March 1, 2053.

7. Debtors’ plan proposes to make direct post-petition payments to Creditor and Debtors will continue to do so.

8. The Trustee shall stop all disbursement on any pre-petition mortgage arrearage claim.

9. The Trustee will reset the mortgage claim records upon entry of an order granting this motion based on the changes set forth above.

10. Creditor requests this Honorable Court schedule the matter on the next available docket, or in the alternative, grant Creditor’s request without a hearing after the expiration of the notice period.

WHEREFORE, Creditor prays this Court enter an Order granting this Amended Motion to Approve Permanent Home Mortgage Modification and for such other relief as the Court deems necessary and proper.

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July 29, 2015

Date

Respectfully submitted,

MARTIN, LEIGH, LAWS & FRITZLEN, P.C

/s/Carrie D. Mermis

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ATTORNEYS FOR CREDITOR

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NOTICE OF MOTION

Any party with an objection is directed to file a Response to the motion within seven (7) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website at www.mow.uscourts.gov. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within seven (7) days, the Court will enter an order granting the motion.

CERTIFICATE OF SERVICE

The undersigned hereby certify that a true and correct copy of the Motion was served, in addition to the parties notified by the US Bankruptcy Court's electronic notification, upon the affected creditors and other parties in interest via US First Class Mail, postage prepaid, this 29th day of July, 2015:

Jason C. Amerine
Castle Law
811 Grand Blvd., Suite 101
Kansas City, MO 64106

Richard Fink
Suite 1200
2345 Grand Blvd.
Kansas City, MO 64108-2663

Office of the U.S. Trustee
400 E. 9th Street, Suite 3440
Kansas City, MO 64106

and via United States mail, postage prepaid, to:

Napoleon Floyd Hollister
Bernadine NMN Hollister
6508 E. 155th Street
Grandview, MO 64030

/s/Carrie D. Mermis
Attorney for Creditor